

01  
02  
03  
04  
05  
06  
07 UNITED STATES DISTRICT COURT  
08 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

09 UNITED STATES OF AMERICA, ) CASE NO.: CR03-424P  
10 Plaintiff, )  
11 v. ) SUMMARY REPORT OF U.S.  
12 EDWARD MICHAEL COSTELLO, ) MAGISTRATE JUDGE AS TO  
13 Defendant. ) ALLEGED VIOLATIONS  
OF PROBATION  
14

15 An initial hearing on probation revocation in this case was scheduled before me on July  
16 8, 2005. The United States was represented by AUSA Patricia C. Lally and the defendant by  
17 Paula S. Deutsch. The proceedings were recorded on cassette tape.

18 Defendant had been sentenced on or about April 15, 2005, by the Honorable Marsha J.  
19 Pechman on a charge of Making a False Statement to a Government Agency and sentenced to  
20 one day with credit for time served, and probation until the completion of 100 hours of  
21 community service, not to exceed two years. (DKT. 63)

22 The conditions of probation included requirements that defendant comply with all local,  
23 state, and federal laws and with the standard conditions of supervision. Other special conditions  
24 included no firearms, mandatory drug testing, refrain from alcohol and other intoxicants and  
25 participate in alcohol treatment as directed, submit to search, complete 100 hours of community  
26 service, provide access to financial information upon request, do not be employed in any position

that requires a Master Mariners license without a valid license and unless authorized by the Coast Guard.

In an application dated June 24, 2005, U.S. Probation Officer Michael J. Larson alleged the following violations of the conditions of probation (DKT. 64):

1. Failing to report to the probation office for drug testing on May 31, 2005, and June 7, 2005, in violation of his mandatory drug testing condition.

2. Using cocaine on June 1, 2005, and June 2, 2005, in violation of standard condition number seven.

3. Failing to report to the probation office as instructed on June 7, 2005, June 8, 2005, and June 10, 2005, in violation of standard condition number two.

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted alleged violation one as it pertained to the date of May 31, 2005, violation two (noting that one incident of cocaine use caused the two positive drug tests on two successive days), and violation three as it pertained to the date of June 10, 2005.

I therefore recommend the Court find defendant violated his probation as admitted and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Pechman.

Pending a final determination by the Court, defendant has been detained.

DATED this 8th day of July, 2005.

/s/ MARY ALICE THEILER  
United States Magistrate Judge

cc:	District Judge:	Honorable Marsha J. Pechman
	AUSA:	Patricia C. Lally
	Defendant's attorney:	Paula S. Deutsch
	Probation officer:	Michael J. Larson